

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

SNYDER'S-LANCE, INC. and)
PRINCETON VANGUARD, LLC,)
Plaintiffs,)
v.) Case No. 3:17-CV-00652
FRITO-LAY NORTH AMERICA,)
INC.,)
Defendant.)

DECLARATION OF MARYCATHERINE REGAN

I, MaryCatherine Regan, declare as follows:

1. Currently, I serve as the Senior Director, Financial Reporting and Technical Accounting for Snyder's-Lance, Inc. ("Snyder's-Lance"). I have held this position since June 2017.

2. I am over the age of 18 and competent to testify. I either have personal knowledge of the matters stated in this declaration, or obtained the information herein from company business records made at the time of the events they record, by persons with knowledge of those events, and which were maintained and kept as part of Snyder's-Lance's regular and ordinary practices. I would testify truthfully to these matters if called upon to do so.

Sales Success of the PRETZEL CRISPS Brand

3. One of my responsibilities is to analyze, review, and maintain up-to-date records concerning the company's sales figures such that they can be incorporated into required external financial reports.

4. PRETZEL CRISPS sales have climbed each year from 2013, the first full year that the brand was owned by Snyder's-Lance. For each year between 2013 and 2017, gross sales have exceeded \$150,000,000 per year.

5. From 2013 to the end of 2017, Snack Factory has sold more \$900 million worth of PRETZEL CRISPS pretzel crackers at wholesale prices. The retail sales figure is approximately double that overall amount, which means that, during this year period, consumers purchased nearly \$2 billion worth of PRETZEL CRISPS products at retail. When combined with sales prior to 2013, total retail sales of PRETZEL CRISPS pretzel crackers have exceeded \$2.5 billion at retail. Every package of PRETZEL CRISPS crackers prominently features the PRETZEL CRISPS mark.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Charlotte, North Carolina this 29th day of October, 2018.



Mary Catherine Regan
Snyder's-Lance, Inc.

CERTIFICATE OF SERVICE

I do certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record or interested parties via the CM/ECF system.

This 29th day of October, 2018.

ELLIS & WINTERS LLP

/s/ Jonathan D. Sasser
Jonathan D. Sasser
N.C. State Bar No. 10028
Alexander M. Pearce
N.C. State Bar No. 37208
Post Office Box 33550
Raleigh, North Carolina 27636
Telephone: (919) 865-7000
jon.sasser@elliswinters.com
alex.pearce@elliswinters.com

DEBEVOISE & PLIMPTON LLP
David H. Bernstein*
James J. Pastore*
Jared I. Kagan*
Michael C. McGregor*
919 Third Avenue
New York, New York 10022
Telephone: (212) 909-6696
dhbernstein@debevoise.com
jpastore@debevoise.com
jikagan@debevoise.com
mcmcggregor@debevoise.com

*Counsel for Plaintiffs Snyder's-Lance, Inc.
and Princeton Vanguard, LLC*

*admitted *pro hac vice*